



Dkt. 02023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Group Art Unit: 1742

TIMOTHY WARNER

Examiner: J.A. Morillo

Serial No.: 10/066,788

MAIL STOP AFTER FINAL

Filed: February 6, 2002

For: MANUFACTURING PROCESS FOR A HIGH STRENGTH
WORK HARDENED PRODUCT MADE OF AlZnMgCu ALLOY

SUPPLEMENTAL RESPONSE

Honorable Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The following remarks are submitted to supplement the Amendment filed on October 12, 2006, and are in specific response to the Advisory Action mailed October 31, 2006.

In the Advisory Action, it was stated that Applicant's argument that the invention is allowable over the Ponchel patent was not found to be persuasive because the evidence should have been in declaration form. In response, Applicant submits herewith a Declaration under 37 CFR 1.132 signed by inventor Timothy Warner, directed to inoperability of the prior art, and more specifically, to Example 6 of the Ponchel patent, which is thought to represent either a typographical error or a poor measurement. The declaration explains in detail why the value for compressive yield strength given for Example 6 is not consistent with the values of the other examples, and therefore does not teach one of ordinary skill in the art that an optimized compressive yield strength can be obtained for an equivalent time of 100 to 230 hours at 120°C.

Respectfully submitted,

Ira J. Schultz

Registration No. 28666

LAW OFFICES
DENNISON, SCHULTZ & MACDONALD
SUITE 105
1727 KING STREET
ALEXANDRIA, VIRGINIA 22314-2700
703 837-9600